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March 29, 2002

William F. Caton,
Acting Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentation in ET Docket 98-42



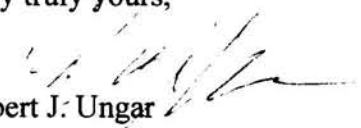
Dear Mr. Caton:

BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

On Wednesday, March 27, 2002, Mr. Kent Kipling, of Fusion Lighting, Inc. and I met with Paul Margie, Spectrum and International Legal Advisor to Commissioner Copps. The purpose of the meeting was to discuss Fusion's position with respect to out-of-band emissions proposals by Sirius Satellite Radio and XM Radio in the above-referenced proceeding. At the meeting, Mr. Kipling distributed the attached handout describing the history of Fusion Lighting, the various out-of-band emission's proposals, tests of DARS receivers performed by Fusion, and Fusion's request for a safe harbor.

Please contact me if you have any questions.

Very truly yours,


Robert J. Ungar
Counsel to Fusion Lighting, Inc.

Enclosure
RJU/tmh

Cc: Carl. R. Frank
Bruce D. Jacobs

Fusion Lighting's Sulfur Lamp

- Highly efficient
- Highly acclaimed
 - 1995 R@D 100 award
 - 1995 Popular Science - Best of what's new
 - 1998 Light Fair - Innovation award
 - 2001 *Smithsonian* - Lighting exhibit
- Broadly supported
 - Private \$40M+, DOE \$6M+, NASA, EPA

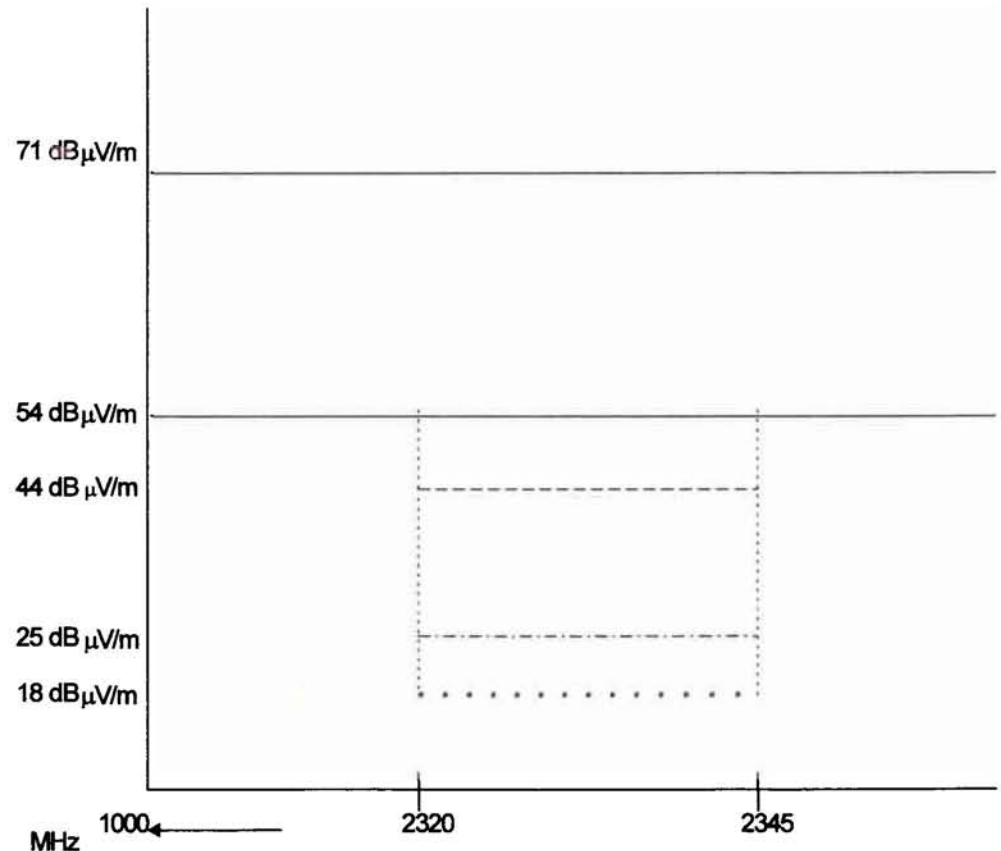


History

- Fusion directed to the 2.45 GHz ISM band by the FCC in the 1970s
 - Basis of UV curing business
 - Basis of semiconductor equipment business
- Sulfur lamp FCC tested and approved 1996
- Initial lamp sales 1996

Proposed out-of-band limits

- Current limit 71dB μ V/M @ 3M Avg.
- FCC proposal 54dB μ V/M @ 3M Avg.
 - 85% reduction from current limit
- Fusion proposal 44dB μ V/M @ 3M Avg.
 - 95% reduction from current limit
 - Safe Harbor
- DARS demand 25dB μ V/M @ 3M
 - 99.9% reduction from current limit
- Sirius petition 18.7dB μ V/M @ 3M



March 2002

FCC Meeting



Fusion Lighting Testing of DARS Receivers

- XM Satellite Radio
 - No interference from Fusion lamp at 3 meters
 - (Lamp emission 51 dB μ V/M @3 meters)
- Sirius Satellite Radio
 - No interference from Fusion lamp at 5 meters
 - (Lamp emission 51 dB μ V/M @3 meters)

Tentative Fusion Proposal

- In-band limits compatible with practical magnetron driven lamps
- “Safe Harbor” guarantee for out-of-band emissions

Tracy Haynes

From: Robert J. Ungar
Sent: Monday, March 25, 2002 8:02 AM
To: Tracy Haynes
Subject: FW: Safe Harbor

This is the 2d attachment for the ex parte letter on the meeting with Bryan Tramont.

-----Original Message-----

From: Robert J. Ungar
Sent: Friday, March 22, 2002 4:11 PM
To: 'btramont@fcc.gov'
Cc: Terry Mahn
Subject: Safe Harbor

As promised I'm sending the cite for the FCC safe harbor precedent - 10 FCC Rcd 4695.

This was the approach used by the Commission to accommodate both LMS systems and Amateur and Part 15 devices in PR Docket 93-61. Addressing the secondary status of Amateur and Part 15 operations, the Commission explained, "...we are adopting rules that define and clarify what constitutes *harmful interference from their secondary operations*. Harmful interference is defined as '(a)ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter. To promote cooperative use of the 902-928 MHz band we are elaborating on this standard to define what *is not* harmful interference for both Amateur operations and unlicensed Part 15 devices to multilateration LMS systems. The 'negative definition' will promote effective use of the 902-928 MHz band by the various services by clearly establishing the parameters under which *licensed Amateurs* and unlicensed users of Part 15 devices may operate without risk of being considered sources of harmful interference to services with a higher allocation status. Part 15 and amateur operators who voluntarily operate within the following parameters will not be subject to harmful interference complaints from multilateration LMS systems at 902-928 MHz." at Para. 36

I hope this is useful.